

DOCKET FILE COPY ORIGINAL

ORIGINAL

ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
PAUL J. FELDMAN
FRANK R. JAZZO
ANDREW S. KERSTING
EUGENE M. LAWSON, JR.
MITCHELL LAZARUS
SUSAN A. MARSHALL*
HARRY C. MARTIN
RAYMOND J. QUIANZON
LEONARD R. RAISH
JAMES P. RILEY
ALISON J. SHAPIRO
KATHLEEN VICTORY
JENNIFER DINE WAGNER*
LILIANA E. WARD
HOWARD M. WEISS
ZHAO XIAOHUA*

* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhh-telcomlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)
OF COUNSEL
EDWARD A. CAINE*
DONALD J. EVANS
EDWARD S. O'NEILL*
703.812.0478
WRITER'S DIRECT
shapiro@fhh-telcomlaw.com

RECEIVED

June 15, 2001

JUN 15 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Magalie Roman Salas, Esquire

Secretary

Federal Communications Commission

445 12th Street, S.W., Room TW-B204

Washington, DC 20554

**Re: Comments of International Television Network, Inc.
Notice of Proposed Rulemaking
MM Docket No. 01-85, RM-9039
Amendment of Section 73.606(b), Table of Allotments,
Television Broadcast Stations (Boise, Idaho)**

Dear Ms. Salas:

Enclosed herewith, on behalf of International Television Network, Inc., are an original and four copies of its Comments to the above-referenced Petition for Rulemaking.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

Alison J. Shapiro

Counsel for International Television Network, Inc.

Enclosure

cc: All Parties on Certificate of Service (w/encl.)

No. of Copies rec'd 0+4
List A B C D E

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
JUN 15 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Amendment of Section 73.606(b))
Table of Allotments,)
Television Broadcast Stations)
(Boise, Idaho))
_____)

MM Docket No. 01-85
RM-9039

To: Chief, Video Service Division

COMMENTS OF INTERNATIONAL TELEVISION NETWORK, INC.

International Television Network, Inc. ("ITN"), by counsel, and pursuant to Section 1.415 and 1.420 of the Commission's rules, hereby respectfully submits these Comments in support of the amendment of Section 73.606(b), the Television Table of Allotments, to substitute Channel 39 for Channel 14 as currently allotted to Boise, Idaho, as proposed by KM Communications, Inc.'s ("KM") Petition for Rulemaking, as amended,¹ and the Notice of Proposed Rulemaking in the above-captioned proceeding.²

As stated in KM's Comments, KM and ITN entered into a settlement agreement and timely filed a Joint Request for Approval of Universal Settlement ("Joint Request"), whereby KM agreed to pay ITN \$200,000 upon approval by the Commission of the settlement agreement, grant of the Joint Request, dismissal of ITN's mutually exclusive application, and grant of KM's


¹ See Petition for Rulemaking filed July 10, 1996, as amended by an Amendment to Petition for Rulemaking filed May 15, 1997 ("First Amendment"), an Amendment to Petition for Rulemaking filed October 19, 1999 ("Second Amendment"), and an Amendment to Petition for Rulemaking filed July 17, 2000 ("Third Amendment").

² See Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Boise, Idaho), MM Docket No. 01-85, RM-9039, Notice of Proposed Rulemaking, DA 01-863 (Video Services Division, released April 9, 2001) ("NPRM").

application. While not opposed to the premise of this rulemaking proceeding, ITN hereby comments on KM's representation of the terms of the Amendment to Settlement Agreement entered into by the parties in 1999. Specifically, ITN asks the Commission to take note of its objection to KM's statement that "if the Commission precludes payment to ITN of a settlement payment in excess of ITN's documented out-of-pocket expenses, the settlement payment due to ITN would be limited to ITN's expenses, as may be determined by the Commission." The 1999 Amendment to Settlement Agreement did not alter the basic fact that the original agreement was timely filed and that the intent of the parties remained unchanged. There would be no legal reason for the Commission not to approve KM's obligation to pay ITN the full \$200,000.

WHEREFORE, the above-comments being considered, International Television Network, Inc. respectfully requests that the Commission grant petitioner's request to substitute Channel 39 for Channel 14.

Respectfully submitted,
INTERNATIONAL TELEVISION NETWORK, Inc.

By: 

Vincent J. Curtis, Jr.
Alison J. Shapiro

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209
(703)812-0400

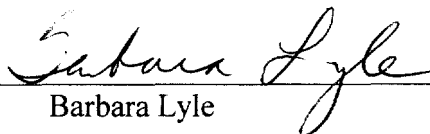
June 15, 2001

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the foregoing *Comments of International Television Network, Inc.* was sent this 15th day of June 2001, via hand delivery and United States First Class Mail, postage prepaid, on the following:

Pam Blumenthal, Esquire*
Federal Communications Commission
445 12th Street, S.W.
Room 2-A762
Washington, D.C. 20554

Jeffrey L. Timmons, Esquire
Jeffrey L. Timmons, P.C.
3235 Satellite Boulevard
Building 400, Suite 300
Duluth, Georgia 30096-8688


Barbara Lyle

*By Hand